

HOUSE BILL REPORT

HB 2726

As Reported by House Committee On:
Local Government

Title: An act relating to cost recovery for fire protection and public safety services rendered on navigable waters of the state to commercial vessels by fire protection agencies.

Brief Description: Addressing cost recovery for fire protection and public safety services.

Sponsors: Representatives Fromhold and Ericks.

Brief History:

Committee Activity:

Local Government: 1/29/08, 2/5/08 [DP].

Brief Summary of Bill

- Allows fire protection agencies to recover any costs associated with responding to a fire or public safety incident involving a commercial vessel on navigable waters.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 4 members: Representatives Simpson, Chair; Takko, Vice Chair; Eddy and Nelson.

Minority Report: Do not pass. Signed by 3 members: Representatives Warnick, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Schmick.

Staff: Lyset Cadena (786-7291) and Ethan Moreno (786-7386).

Background:

Fire Departments

City and town fire departments set standards for addressing the reporting and accountability of career fire departments, and specify performance measures applicable to response time objectives for certain major services.

Cities and towns are required to maintain a written statement or policy establishing the following:

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- the existence of a fire department;
- services the fire department are required to provide;
- the basic organizational structure of the fire department;
- the expected number of fire department employees; and
- functions fire department employees are expected to perform.

Cities and towns must provide service delivery objectives in a written statement or policy. The objectives need to include specific response times for the following major service components, if appropriate:

- fire suppression;
- emergency medical services;
- special operations;
- aircraft rescue and fire fighting;
- marine rescue and fire fighting; and
- wild land fire fighting.

Regional Fire Protection Service Authorities

A Regional Fire Protection Service Authority (Authority) may be created for the purpose of conducting selected fire protection functions at a regional level. An Authority can be created by the merger of two or more adjacent fire protection jurisdictions, including fire protection districts, cities, port districts, and Indian tribes.

Fire Protection Agencies Cost Recovery

There are no provisions under state law that explicitly address the recovery by a fire protection agency of costs related to responding to a fire or public safety incident on a commercial vessel within the navigable waters of the state.

Summary of Bill:

Fire protection agencies may recover costs associated with responding to a fire or public safety incident involving a commercial vessel on navigable waters.

The costs fire protection agencies are authorized to recover include:

- the contract or reasonable value of the use, including repairs and depreciation, of the apparatus and equipment used;
- the cost of fire protection personnel engaged to provide marine rescue and firefighting services; and
- all other costs reasonably incurred in providing the marine rescue and firefighting services.

Cost recovery associated with responding to a fire or public safety incident involving a commercial vessel on navigable waters does not preempt or limit the cost recovery rights and remedies available to fire protection agencies by other state or federal law.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) In 2006 a local fire protection agency responded to a ship fire near the Port of Vancouver. The fire protection agency incurred many expenses, but had a difficult time receiving reimbursement for the costs. It took legal action on behalf of the fire protection agency to receive reimbursement from the owners of the commercial vessel. Commercial vessels that visit the Port of Vancouver do not pay taxes. The unreimbursed costs incurred while responding to a fire on a commercial vessel have become a burden to the local community. Currently, commercial vessels that are over 300 gross tons are liable for marine firefighting costs through the federal Oil Pollution Act. They are also required to maintain contingency plans that expressly cover the vessel's needs for marine firefighting and salvage services. This bill makes it clear that firefighting agencies can recover costs associated with responding to a fire or public safety concern on a commercial vessel.

(Opposed) The commercial vessels at ports are taxpayers and contribute to the tax base of the local economy. Fire protection agencies can recover costs associated with responding to a fire or public safety concern on a commercial vessel under federal law. This bill raises several questions in regards to the definition of a commercial vessel and whether a commercial vessel is allowed to appeal the billed costs.

Persons Testifying: (In support) Don Bivins, Vancouver Fire Department/Washington Fire Chiefs; and Liz Wainright, Maritime Fire & Safety Association.

(Opposed) Randy Ray, Pacific Merchant Shipping Association/Pacific Seafood Processors Association.

Persons Signed In To Testify But Not Testifying: None.